

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

p04081PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2004/012644

International filing date (day/month/year)

01.09.2004

Priority date (day/month/year)

02.09.2003

International Patent Classification (IPC) or both national classification and IPC

Applicant

KOMATSU LTD.

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2004/012644

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2004/012644

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-16	YES
	Claims		NO
Inventive step (IS)	Claims	2-7, 10-15	YES
	Claims	1, 8, 9, 16	NO
Industrial applicability (IA)	Claims	1-16	YES
	Claims		NO
2. Citations and explanations:			
<p>Document 1: JP 2001-11901 A (Kobe Steel, Ltd. and Kobelco Construction Machinery Co., Ltd.), 16 January 2001</p> <p>Document 2: JP 55-31669 A (Toyota Motor Corporation), 06 March 1980</p> <p>Document 3: JP 9-76850 A (Yanmar Agricultural Equipment Co., Ltd), 25 March 1997</p> <p>The inventions of claims 1, 8, and 16 do not appear to involve an inventive step based on documents 1 and 2 cited in the ISR. Document 2 describes a control method that allows operation according to the curve for operation with maximum fuel economy by comparing a target value with an actual value. It is easy for a person skilled in the art to use this method in the processing unit of document 1.</p> <p>None of the documents cited in the ISR describes the inventions of claim 2-7 and 10-15; nor are they obvious to a party skilled in the art.</p> <p>The invention of claim 9 does not appear to involve an inventive step based on documents 1 and 2, as well as document 3 cited in the ISR (paragraph 019). Document 3 describes a method for displaying a message in a voice alarm device, which is easy for a person skilled in the art to use as the method for displaying a message in the device described in document 1.</p>			